

## **Section 110.**

### **Applications for Category A and Category B Council Assents**

A. The regulations contained herein are regulations that must be met by all persons who undertake alterations and activities under the Council's jurisdiction.

B. Through the adoption and implementation of the Marine Resources Development Plan by the Council on January 10, 2006, permit applications which meet the thresholds below in paragraph C., have received no objections, and are consistent with the goals and policies of the coastal resources management program will be reviewed and acted upon administratively by the executive director or his/her designee not less than 20 calendar days after the staff report(s) is/are completed and placed in the public file. Category B applications which do not meet the thresholds below or have received an objection(s) will be reviewed by the full Council, and are not subject to the 20 day wait period that the applications reviewable under subsection C below are. All public notice requirements, prerequisites, policies, prohibitions and standards shall remain in full force and effect and any reference to review and/or action by the full council cited herein shall be superseded by this rule.

If the executive director or deputy director in their discretion determines the application does not meet the goals and policies contained in the coastal resources management program and its applicable special area management plans, or fails to meet the variance criteria for any required variances, they may require that the application be reviewed and acted upon by the full council. The applicant will be notified of that determination in writing.

C. Applications eligible for administrative review include the following.

- Subdivisions of 20 units or less;
- Residential docks less than 200 feet (MLW) in length in the Sakonnet River or the open waters of Narragansett Bay; up to 75 feet (MLW) in all other waters;
- Terminal floats less than 200 square feet;
- Aquaculture sites of up to three (3) acres in the salt ponds or upper Narragansett Bay; less than 10 acres elsewhere;
- Structural shoreline protection facilities of less than 300 linear feet;
- Dredging of less than 100,000 cubic yards for marinas or state navigation projects;
- Wetland mitigation that is habitat restoration when an applicant is a federal, state, or municipal entity;
- Harbor management plans that are recommended for approval;
- Boat and float lifts.

#### **110.1 Category A Applications**

A. The activities and alterations listed as "A" in Table 1 (shoreline features and tidal waters), Table 1A (the 200-foot area contiguous to shoreline features) or Table 1B (inland activities) include routine matters and categories of construction and maintenance work that do not require review by the full Council if criteria (1) through (4) below are all met.

- 1) The goals, policies, prerequisites, and standards of this document that apply to the areas and activities in question are met.
- 2) All buffer zone and setback requirements as contained in Sections 140 and 150 and/or as contained in applicable special area management plans are met.
- 3) Substantive objections are not raised by abutters of those Category A applications sent out to public notice, the CRMC members have not raised objections, or the Executive Director has not made a determination that the Category A activity in question is more appropriately reviewed as a Category B

activity. (Note that starred Category A activities listed in Table 1 are put out to notice). It should be noted that all notice procedures are subject to the provisions of the Administrative Procedures Act (APA).

4) Proof of certification of compliance with all applicable state and local statutes, ordinances, and regulations is provided.

B. If the Council's executive director verifies that these criteria have been met, an Assent for the proposed activity or alteration will be issued. This Assent may include stipulations or conditions to ensure compliance with the goals, policies, and standards of this Program.

C. If the criteria listed in Section 110.1(A) are not verified as met or a substantive objection is filed, the application shall be considered a Category B application and will be reviewed by the full Council.

D. Applicants desiring relief from one or more standards may apply for a variance (Section 120).